

REMARKS

The claims have been amended in an attempt to put them in condition for allowance. Applicants respectfully request entry of the amendment and allowance of the claims.

Rejections Under 35 U.S.C. §112

The claims have been rejected under 35 U.S.C. §112 as being indefinite. While Applicants maintain all previous arguments regarding the allowability of the claims and reserve the right to revisit these arguments, the claims have been amended in an attempt to put them in condition for allowance. Applicants urge that the claims, as currently amended, fully meet the requirements of 35 U.S.C. §112, second paragraph, and further urge that the rejection be withdrawn.

Claim 1 has been amended to recite that the rubber gel is a crosslinked rubber gel filler, and that the rubber of limitation (C) is a second rubber, in order to distinguish it from the crosslinked rubber gel filler. Support for a crosslinked rubber gel is found at page 2 line 25-page 4 line 6; support for the rubber gel as a filler is found in U.S. 6,127,488 at column 3, line 54 - column 4, line 34 (U.S. 6,127,488 is incorporated by reference in the current specification at page 2, lines 1-3). Support for a second rubber is found at page 14 lines 4-5; support for rubber as elastomer is found at page 11, lines 31-33.

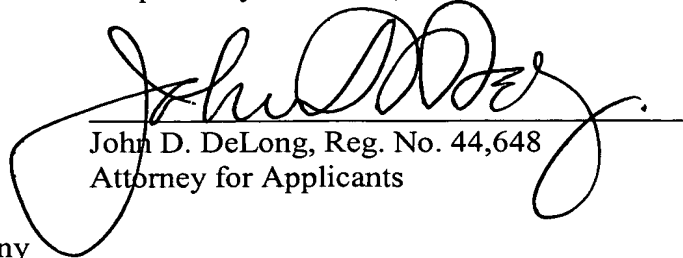
Applicants urge that the "crosslinked rubber gel filler" having the recited limitations is fully distinguishable from the "second rubber" to one skilled in the art. Specifically, one skilled in the art would readily recognize that a crosslinked rubber gel filler having the recited swelling index and particle size is fully distinguishable from an elastomer used in a rubber compound in a tire. One skilled in the art knows that a rubber composition usable in a tire may include a filler and an elastomer; such a crosslinked rubber gel filler is suitable as a reinforcing filler in a rubber composition also containing a second rubber as elastomer. One skilled in the art would therefore understand and distinguish the meaning of the terms "crosslinked rubber gel filler" and "second rubber, wherein said second rubber is an elastomer containing olefinic unsaturation." Applicants urge that the claims as amended fully satisfy 35 U.S.C. §112, second paragraph.

Claim 19 has been cancelled. Claims 3, 4, 5, 7, 8 and 16-18 have been amended to maintain clarity in view of the amendment to claim 1.

Conclusion

It is believed that all of the claims now pending in the subject patent application are allowable, and that it is now appropriate to allow the subject patent application. Such an allowance is accordingly respectfully requested.

Respectfully submitted,



John D. DeLong, Reg. No. 44,648
Attorney for Applicants

The Goodyear Tire & Rubber Company
Intellectual Property Law Dept. 823
1144 East Market Street
Akron, Ohio 44316-0001
Telephone: (330) 796-8757
JDD/jsk